

111TH CONGRESS
1ST SESSION

H. R. 1110

To amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2009

Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. TIM MURPHY of Pennsylvania, Ms. JACKSON-LEE of Texas, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Harass-
5 ment through Outbound Number Enforcement Act of
6 2009” or the “PHONE Act of 2009”.

7 **SEC. 2. CALLER ID SPOOFING.**

8 (a) IN GENERAL.—Chapter 47 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 **“§ 1041. Caller ID spoofing**

2 “(a) OFFENSE.—Whoever, in or affecting interstate
3 or foreign commerce, knowingly uses or provides to an-
4 other—

5 “(1) false caller ID information with intent
6 wrongfully to obtain anything of value; or

7 “(2) caller ID information pertaining to an ac-
8 tual person or other entity without that person’s or
9 entity’s consent and with intent to deceive any per-
10 son or other entity about the identity of the caller;
11 or attempts or conspires to do so, shall be punished as
12 provided in subsection (b).

13 “(b) PUNISHMENT.—Whoever violates subsection (a)
14 shall—

15 “(1) if the offense is a violation of subsection
16 (a)(1), be fined under this title or imprisoned not
17 more than 5 years, or both; and

18 “(2) if the offense is a violation of subsection
19 (a)(2), be fined under this title or imprisoned not
20 more than one year, or both.

21 “(c) LAW ENFORCEMENT EXCEPTION.—This section
22 does not prohibit lawfully authorized investigative, protec-
23 tive, or intelligence activity of a law enforcement agency
24 of the United States, a State, or a political subdivision
25 of a State, or of an intelligence agency of the United

1 States, or any activity authorized under chapter 224 of
2 this title.

3 “(d) FORFEITURE.—

4 “(1) IN GENERAL.—The court, in imposing sen-
5 tence on a person who is convicted of an offense
6 under this section, shall order that the defendant
7 forfeit to the United States—

8 “(A) any property, real or personal, consti-
9 tuting or traceable to gross proceeds obtained
10 from such offense; and

11 “(B) any equipment, software or other
12 technology used or intended to be used to com-
13 mit or to facilitate the commission of such of-
14 fense.

15 “(2) PROCEDURES.—The procedures set forth
16 in section 413 of the Controlled Substances Act (21
17 U.S.C. 853), other than subsection (d) of that sec-
18 tion, and in Rule 32.2 of the Federal Rules of
19 Criminal Procedure, shall apply to all stages of a
20 criminal forfeiture proceeding under this section.

21 “(e) DEFINITIONS.—In this section—

22 “(1) the term ‘caller ID information’ means any
23 identifying information regarding the origination of
24 a telephone call, including the name or the telephone

1 number of the caller, that is transmitted with the
2 telephone call;

3 “(2) the term ‘telephone call’ means a call
4 made using or received on a telecommunications
5 service or VOIP service;

6 “(3) the term ‘telecommunications service’
7 means the offering of telecommunications for a fee
8 directly to the public, or to such classes of users as
9 to be effectively available directly to the public, re-
10 gardless of the facilities used;

11 “(4) the term ‘VOIP service’ means a service
12 that—

13 “(A) provides real-time or near real-time
14 voice communications transmitted using Inter-
15 net Protocol, or a successor protocol;

16 “(B) is offered to the public, or such class-
17 es of users as to be effectively available to the
18 public (whether part of a bundle of services or
19 separately); and

20 “(C) has the capability to originate traffic
21 to, or terminate traffic from, the public
22 switched telephone network or a successor net-
23 work; and

24 “(5) the term ‘State’ includes a State of the
25 United States, the District of Columbia, and any

1 commonwealth, territory, or possession of the United
2 States.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 47 of title 18, United States
5 Code, is amended by adding at the end the following new
6 item:

“1041. Caller ID spoofing.”.

7 **SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR**
8 **MONEY LAUNDERING.**

9 Section 1956(c)(7)(D) of title 18, United States
10 Code, is amended by inserting “section 1037 (relating to
11 fraud and related activity in connection with electronic
12 mail), section 1040 (relating to caller ID spoofing),” be-
13 fore “section 1111”.

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